

JOSEPH SAVERI LAW FIRM, INC.

Joseph R. Saveri (admitted *pro hac vice*)
Joshua P. Davis (admitted *pro hac vice*)
Matthew S. Weiler (admitted *pro hac vice*)
Kevin E. Rayhill (admitted *pro hac vice*)
555 Montgomery Street, Suite 1210
San Francisco, California 94111
Phone: (415) 500-6800/Fax: (415) 395-9940
jsaveri@saverilawfirm.com
jdavis@saverilawfirm.com
mweiler@saverilawfirm.com
krayhill@saverilawfirm.com

*Co-Lead Counsel for the Classes and
Attorneys for Individual and Representative Plaintiffs
Cung Le, Nathan Quarry, Jon Fitch, Luis Javier Vazquez,
Brandon Vera, and Kyle Kingsbury*

[Additional counsel appear on signature page]

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Cung Le, Nathan Quarry, Jon Fitch, Brandon
Vera, Luis Javier Vazquez, and Kyle
Kingsbury on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

Defendant.

Case No.: 2:15-cv-01045 RFB-(PAL)

**DECLARATION OF MATTHEW S.
WEILER IN SUPPORT OF PLAINTIFFS'
MOTION TO CHALLENGE ZUFFA'S
PRIVILEGE DESIGNATION**

1 I, Matthew S. Weiler, declare and state as follows:

2 1. I am an attorney at the Joseph Saveri Law Firm, Inc. ("JSLF"), Co-Lead Counsel for
3 the Classes and Attorneys for Individual and Representative Plaintiffs Cung Le, Nathan Quarry, Jon
4 Fitch, Luis Javier Vazquez, Brandon Vera, and Kyle Kingsbury in the above-captioned matter. I am a
5 member in good standing of the State Bar of California, and have been admitted to this Court *pro hac*
6 *vice*. I am over 18 years of age and have personal knowledge of the facts stated in this Declaration. If
7 called as a witness, I could and would testify competently to them.

8 2. I make this declaration in support of Plaintiffs' motion to challenge Defendant's
9 designation of attorney-client privilege with respect to one certain email communication. Plaintiffs
10 have met and conferred with Defendant concerning the parties' dispute over the privilege
11 designation, but have been unable to resolve the differences in their respective views.

12 3. Plaintiffs and Defendant have narrowed the issues in dispute through an exchange of
13 letters concerning their disagreement. Attached hereto as Exhibit 1 is a true and correct copy of
14 correspondence that demonstrates the parties have engaged in a sincere effort to resolve their
15 dispute. Exhibit 1 includes a letter, with the a redacted version of the challenged communication as
16 an attachment, Plaintiffs received from Marcy N. Lynch of Boies, Schiller & Flexner, LLP, counsel
17 for Defendant, dated March 4, 2016. Also included in Exhibit 1 is a letter from Kevin E. Rayhill of
18 JSLF dated March 16, 2016 responding to Zuffa's March 4 correspondence. Exhibit 1 has been
19 lodged with the Court under seal, and a redacted version is attached hereto.

20 4. This exchange follows Plaintiffs' request, in prior correspondence, for additional
21 information concerning challenged communication and several other documents that were
22 apparently inadvertently produced.

23 5. In this exchange of letters, Plaintiffs present Defendant with authorities supporting
24 their view that the challenged communications are not privileged, and Zuffa explains its position
25 concerning the challenged communications. Through this exchange, the parties have narrowed their
26 differences to one document.

27 6. On April 1, 2016, I accessed the website of bloodyelbow.com and accessed an article
28 titled "Dana White Wants You to Know the UFC Did Not Kill PRIDE," located at the URL address

1 [http://www.bloodyelbow.com/2012/2/24/2821131/ufc-144-dana-white-wants-you-to-know-the-](http://www.bloodyelbow.com/2012/2/24/2821131/ufc-144-dana-white-wants-you-to-know-the-ufc-didnt-kill-pride)
2 [ufc-didnt-kill-pride](http://www.bloodyelbow.com/2012/2/24/2821131/ufc-144-dana-white-wants-you-to-know-the-ufc-didnt-kill-pride). Exhibit 2 attached hereto is a true and correct copy of that web page.

3 7. Attached hereto as Exhibit 3 is a publicly-filed placeholder for a document bearing
4 the Bates label ZUF-00031544-45, which was produced to Plaintiffs in discovery by Defendant. This
5 document was lodged with the Court under seal earlier this evening.

6 I declare under penalty of perjury that the foregoing is true and correct and this Declaration
7 is executed at San Francisco, California on April 1, 2016.

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9 By: /s/ Matthew S. Weiler
Matthew S. Weiler

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15 **CERTIFICATE OF SERVICE**

16 I hereby certify that on this 1st day of April, 2016 a true and correct copy of
17 **DECLARATION OF MATTHEW S. WEILER IN SUPPORT OF PLAINTIFFS' MOTION**
18 **TO CHALLENGE ZUFFA'S PRIVILEGE DESIGNATION** was served via the United States
District Court CM/ECF system on all parties or persons requiring notice.

19 By: /s/ Matthew S. Weiler
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